



# McKinney-Vento Programming Overview

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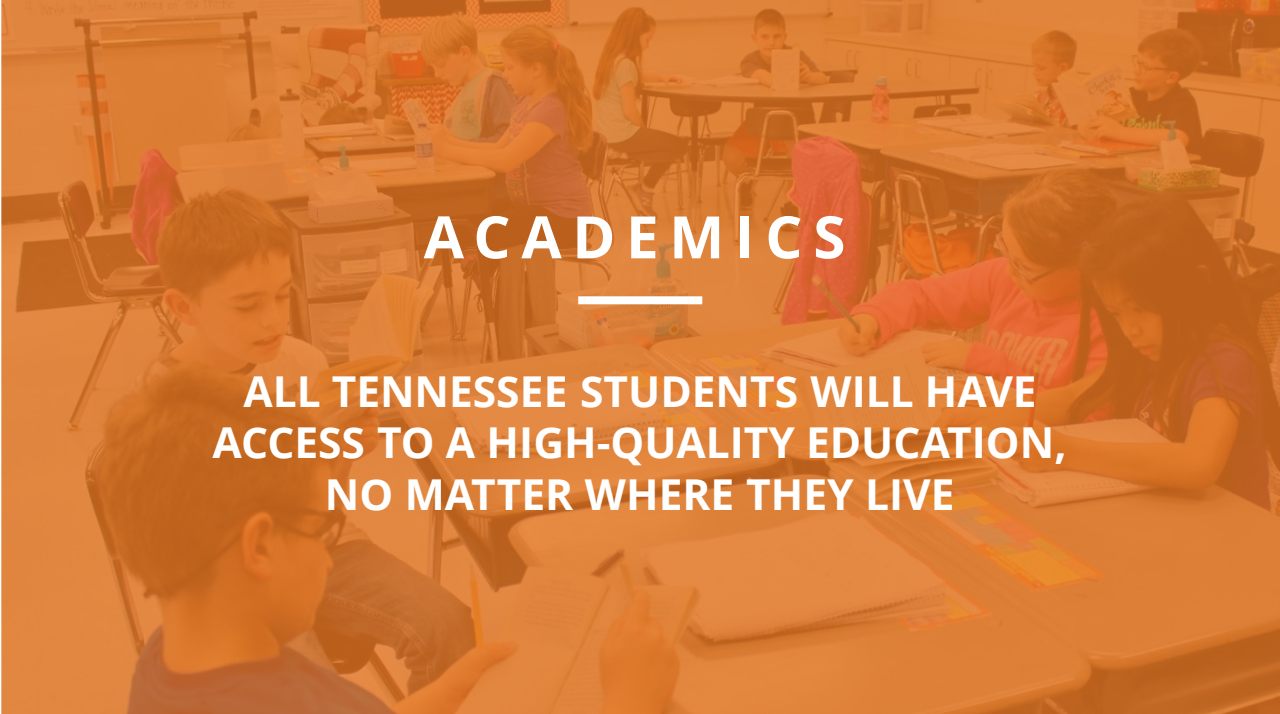
Sept. 1, 2022





# BEST FOR ALL

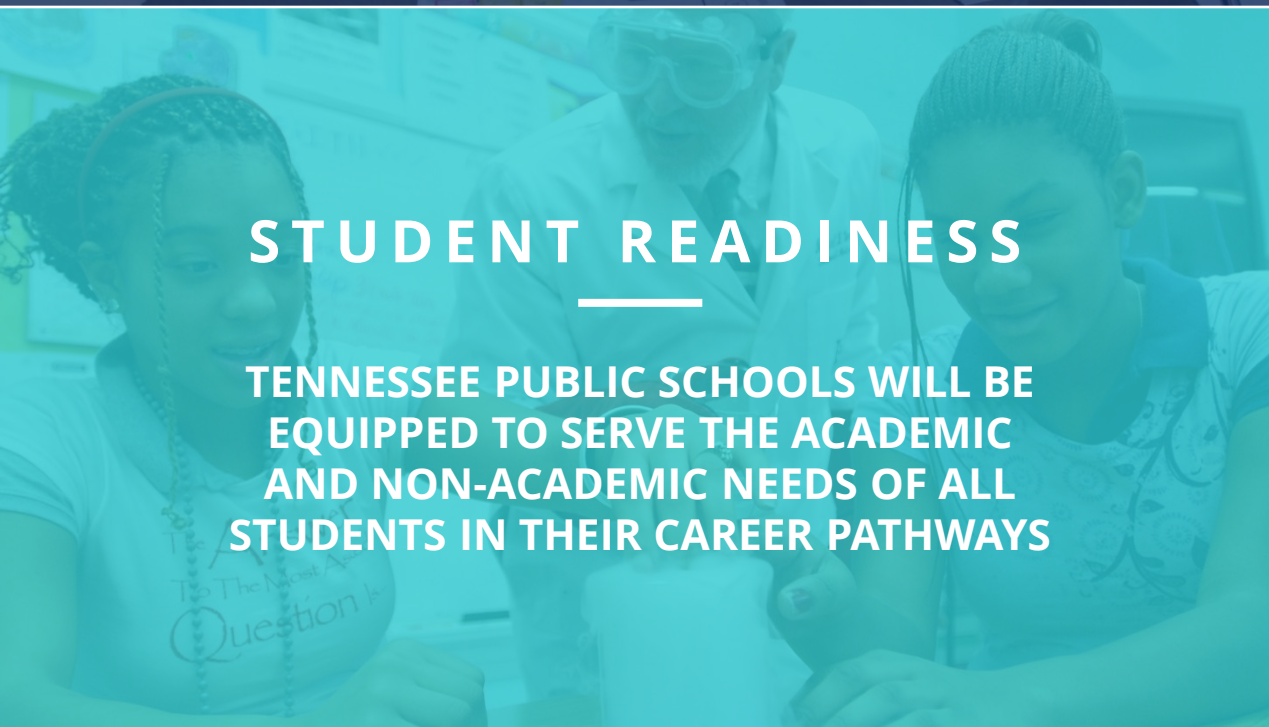
We will set all students on a path to success.



## ACADEMICS

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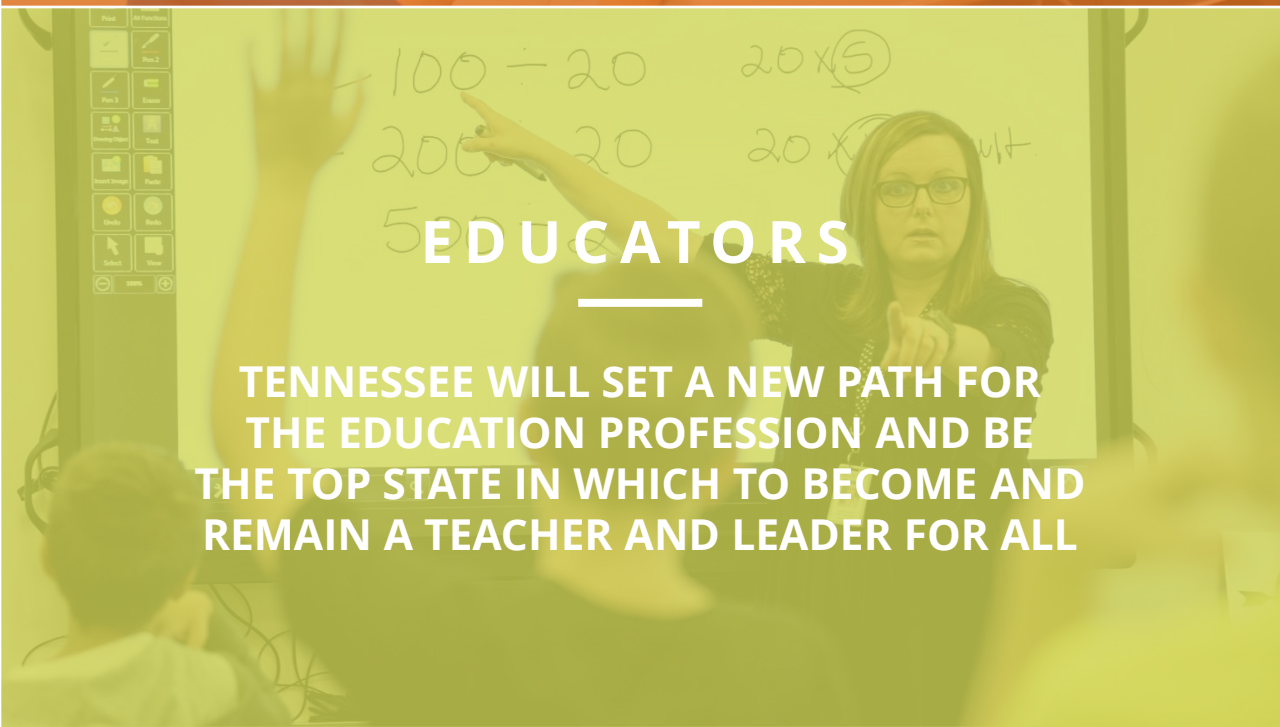
ALL TENNESSEE STUDENTS WILL HAVE ACCESS TO A HIGH-QUALITY EDUCATION, NO MATTER WHERE THEY LIVE



## STUDENT READINESS

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TENNESSEE PUBLIC SCHOOLS WILL BE EQUIPPED TO SERVE THE ACADEMIC AND NON-ACADEMIC NEEDS OF ALL STUDENTS IN THEIR CAREER PATHWAYS



## EDUCATORS

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TENNESSEE WILL SET A NEW PATH FOR THE EDUCATION PROFESSION AND BE THE TOP STATE IN WHICH TO BECOME AND REMAIN A TEACHER AND LEADER FOR ALL

# Norms and Expectations

- Take calls and necessary phone communications outside of the session room.
- Remain engaged.
- Visit a team member at the registration table if you have questions about the conference.
- All session slide decks are available in ePlan > TDOE Resources > Federal Programs and Oversight (FPO) > Federal Programs Professional Development > 2022 ESSA/ESSER Conference.





# Agenda

- Program Purpose
- Definitions and Rights Under McKinney-Vento
- Unaccompanied Homeless Youth
- Reflections on Student Experiences
- Local Liaison Responsibilities
- Effective Practices and Collaboration
- Important Reminders, Resources, and Questions



# Program Purpose



# Purpose of the Education for Homeless Children and Youth Program

- The purpose of the McKinney-Vento Education for Homeless Children and Youths (EHCY) Program is to ensure that each homeless child or youth **has equal access to the same free, appropriate public education**, including a public preschool education, as provided to other children and youths.



# Importance of Homeless Programming

- The COVID-19 Pandemic has greatly impacted Tennessee's Local Education Agencies (LEAs).
- Fewer students identified:
  - State Education Agency (SEA) Data for 2020-21 found the homeless student population decreased by **22%**.
  - In 2020-21, **14,386** homeless students were identified vs. 18,482 identified in 2019-20.
- Homeless residency remained highly concentrated in the doubled-up category (81%).
  - hotel/motel (11%)
  - shelters (5%)
  - unsheltered (3%)



# Definitions and Rights Under McKinney-Vento





# Defining Homelessness

- Children or youth who **lack a fixed, regular, and adequate nighttime residence**:
  - sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
  - living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
  - living in emergency or transitional shelters, or are abandoned in hospitals;
  - living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
  - living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  - who are migratory children living in the above circumstances.



# The Key Determinations of Homelessness

- A child or youth who lives in a situation that is not fixed, regular, and adequate is considered homeless.
  - **Fixed** (stationary, permanent, not subject to change)
  - **Regular** (used on a nightly basis)
  - **Adequate** (sufficient for meeting the physical, psychological, and safety needs typically met in a home environment)
- If a child or youth lacks any one of these three conditions in a living situation, he or she is considered homeless.



# Eligibility Questions to Ask

- Why did the family or youth move in with another family?
- Is this a long-term arrangement?
- Is it a situation of mutual benefit or convenience to both parties or was it precipitated by a crisis?
- Where would the doubled-up family or youth live if unable to stay with the host family or friend?



# Process for Determining Eligibility

- Gather as much information about the family's or youth's living situation as can be accomplished reasonably and lawfully.
- Analyze the information.
  - Determine if the living situation fits one of the specific living situations in the definition.
  - If not, use “fixed, regular, and adequate” as guiding principles.
- Make a determination.
  - If unsure, discuss the situation with your support team
  - Speak with the State McKinney-Vento Coordinator



# Right to Privacy

- Schools must treat information about a homeless child's or youth's living situation as a student education record, which is protected by the Family Educational Rights and Privacy Act (FERPA).
- LEAs must obtain prior written consent from the parent or eligible student in order to disclose any information from a student's educational record.



# Scenario

- Billy has been living in a motel with his family for a little over a year; his family has moved in personal furniture and bunk beds for Billy and his sister. His parents pay the room fee every two weeks. Under the McKinney-Vento definition, would Billy be eligible for services?
  - a. Need more information
  - b. No, this is a more permanent arrangement
  - c. Yes, eligible for services



# Scenario: Answer

- A: You will need more information.
  - Does the family have access to kitchen/cooking facilities?
  - Does Billy have a place to study and do his schoolwork?
  - Does Billy sleep in one room with his family?
  - Does Billy have adequate access to needed utilities: electricity, water, and other needed services?
- If Billy's family does not have any of the above services, then yes, he could be eligible to receive McKinney-Vento services.



# Unaccompanied Homeless Youth (UHY)





# Unaccompanied Homeless Youth

- For an unaccompanied youth to be eligible for McKinney-Vento services, his/her living arrangement must meet the McKinney-Vento definition of homeless.
- A guardianship issue alone (without homelessness) does not convey McKinney-Vento eligibility.





# McKinney-Vento Eligibility: Scenario 1

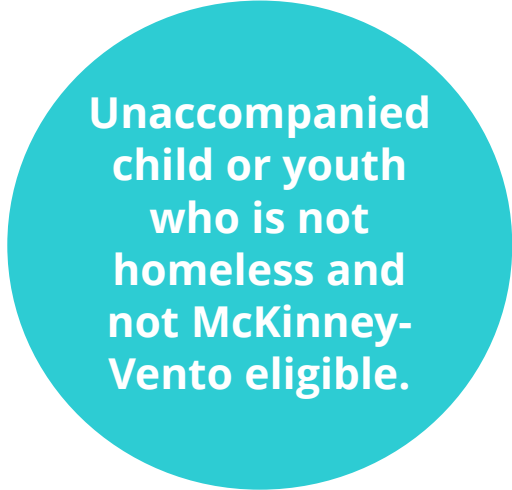
- The student's living arrangement (1) **meets** the McKinney-Vento definition of *homeless*, and the student (2) **is not** in the physical custody of a parent or guardian.





# McKinney-Vento Eligibility: Scenario 2

- The student's living arrangement (1) **does not meet** the McKinney-Vento definition of *homeless*, and the student (2) **is not** in the physical custody of a parent or guardian.



# Which of The Following Would You Consider Homeless?

- A. A youth moved in with a friend's family when his parents kicked him out of their home. The friend's parents said that he could only stay for a week.
- B. A youth has lived with her grandmother ever since her mother was incarcerated two years ago. The grandmother intends to allow the youth to remain with her until her mother is released from prison.



# Answer

- The youth in example, A would be considered eligible as an unaccompanied homeless youth. He was kicked out of his home, and his current living situation is temporary.
- The youth in example B, while unaccompanied, would most likely not be considered eligible since her living situation appears stable with her grandmother



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# Reflections on Student Experiences and Mobility Shuffle



# Why is McKinney –Vento Important?

## Research on School Mobility



- Students who switch schools suffer:
  - Psychologically
  - Socially
  - Academically
    - More likely to repeat grades, will have lower math/reading scores
- Mobility hurts non-mobile students as well
- On average, 4-6 months to recover academic progress each time a student changes schools.

# Mobility Shuffle

- Activity was called the Mobility Shuffle
- Each Participant Received a Color Dot when they arrived
- **Red**
  - Mobile Group
- **Green**
  - Highly Mobile Group
- **Yellow**
  - Transitional Mobility Group
- **Blue**
  - Never Mobile Group





# Processing The Mobility Shuffle



- How did this make you feel?
- Did it affect your learning?
- Did you leave anything behind? Why or why not?
- What did you notice?
- Did you find yourself anticipating anything?
- How did you cope?
- What did you notice about the reforming of groups?
- What new thoughts do you have about mobile students?
- What can we do to support mobile students and families?

# Local Liaison Responsibilities



# Local Liaisons

- Every LEA must designate an appropriate staff person to serve as the local homeless education liaison (42 USC § 11432 (g)(1)(J)(ii)).
  - This person may be the coordinator for other federal programs.
- Local liaisons serve as the key homeless education contact for the LEA and play a critical role in the implementation of the McKinney-Vento Act.



# Local Homeless Liaison Responsibilities Summary

- Identification, Enrollment, and School Section Criteria
- Transportation and Best Interest Determination
- Dispute Resolution
- Professional Development
- Preschools, Higher Education, and HUD



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# Local Liaison Responsibilities: Identification, Enrollment, and School Section Criteria



# Identifying Students

- Identification is the first step to connecting students in homeless situations with the information, resources, and supports necessary to ensure their equal access to the same free, appropriate public education, including a public preschool education, as is provided to other children and youth.



# Identifying Students

- To ensure students in homeless situations are identified, LEAs and school personnel should provide targeted outreach through information sharing and gathering activities such as:
  - including a **housing or nighttime residency questionnaire** in the LEA's enrollment packet to screen for possible McKinney-Vento eligibility;
    - sample questionnaires: <https://nche.ed.gov/translations/> (See **Sample Forms, Materials, and Policies**)
  - posting notices of the rights of McKinney-Vento students in places where families and youth in homeless situations are likely to see them; and
  - sharing information about McKinney-Vento eligibility and services in student handbooks, on the LEA website, and in brochures.



# Housing Questionnaire

- Every student gets one every year.
- Include in the LEA enrollment packet or online enrollment process.
- Designate someone at each school to take these or look at them online.
- Forward to the district homeless liaison or to the designated point of contact.
- Must be translated to any other languages frequently used in your LEA.





# Housing Questionnaire

- Samples can be found in [ePlan > TDOE Resources](#) > ESSA Information, Guidance, PPTs, & Webinars > Title IX, Part A Education for Homeless Children & Youth > McKinney-Vento Toolkit and Resources 2021.
- There are two templates:
  - [Housing Form](#)
  - [Housing Questionnaire](#)
- You can access TDOE Resources in ePlan without having to log in.



# Housing Form



## McKinney-Vento Housing Form Template Instructions for LEAs

The McKinney-Vento Act provides certain rights for homeless students. This includes waiving certain requirements such as proof of residency when students are enrolling and allowing eligibility for certain services, such as free textbooks and other services. The department also encourages local educational agencies (LEAs) to use both a *Housing Form* and *Housing Questionnaire* to ask about students' living arrangements and identify students experiencing homelessness in the LEA.

**Before sharing, place the document on LEA letterhead, delete or update all red font areas, and provide the most up-to-date McKinney-Vento Liaison contact information.**



## LEA LETTERHEAD McKinney-Vento Housing Form Template

### Instructions for using this form:

This form must be completed by the parent/guardian or unaccompanied youth, then returned to the school office. Questions may be directed to (insert principal, social worker, or homeless liaison name and contact number).

Student Name: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

School Name: \_\_\_\_\_

Student Age: \_\_\_\_\_ Student Grade: \_\_\_\_\_ Student Date of Birth: \_\_\_\_\_

Parent/Guardian Phone Number: \_\_\_\_\_

Parent/Guardian Address:

Address line 1 \_\_\_\_\_

Address Line 2: \_\_\_\_\_

City \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_

The McKinney-Vento Homeless Assistance Act (Title IX, Part A of the Elementary and Secondary Education Act), as amended by the Every Student Succeeds Act defines "homeless" as "individuals who lack a fixed, regular, and adequate nighttime residence." This includes (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;\* (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C)); (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and (iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in the circumstances described in clauses (i) through (iii).

Is the address listed above **Temporary** or **Permanent**? (Circle one)

Please choose which of the following situations the student currently resides in (you can choose more than one):

- \_\_\_\_\_ **House or apartment with a parent or guardian**
- \_\_\_\_\_ **Motel, car, or campsite**
- \_\_\_\_\_ **Shelter or other temporary housing**
- \_\_\_\_\_ **With friends or family members (other than or in addition to parent/guardian)**

If you are living in shared housing, please check all the following reasons that apply:

- \_\_\_\_\_ **Loss of housing**
- \_\_\_\_\_ **Economic situation**
- \_\_\_\_\_ **Temporarily waiting for house or apartment**
- \_\_\_\_\_ **Provide care for a family member**
- \_\_\_\_\_ **Living with boyfriend/girlfriend**
- \_\_\_\_\_ **Loss of employment**
- \_\_\_\_\_ **Parent/Guardian is deployed**
- \_\_\_\_\_ **Other (Please explain)** \_\_\_\_\_

Are you a student under the age of 18 and living apart from your parents or guardians? **Yes** **No** (Circle one)

# Housing Questionnaire



## McKinney-Vento Program Housing Questionnaire Instructions for LEAs

### Purpose and Instructions for using the Housing Questionnaire

All local educational agencies (LEAs) are required to identify students experiencing homelessness. All LEAs that receive Title I, Part A funds must ask enrolling students about their housing status. The Tennessee Department of Education (department) encourages all LEAs, regardless of whether they receive Title I, Part A funds to do the same. To collect this information, LEAs may:

1. Use the Housing Questionnaire attached here,
2. Update/modify the Housing Questionnaire to address the needs of the LEA.

It is recommended that LEAs incorporate the housing status question form with a Housing Questionnaire in the LEA's Enrollment Form or other documents already used by the LEA during the enrollment process.

**Before sharing, place this document on LEA letterhead, delete or update all red font areas, and provide the most up-to-date McKinney-Vento Liaison contact information.**

If an LEA elects to incorporate the housing status question into the LEA's enrollment Form, the LEA should take steps to ensure that a student's housing status does not become a part of the student's permanent record because of the sensitive nature of this information. Please see the below section titled "Confidentiality" for information about how and when housing information may be shared within the LEA.

### Who should fill out the Housing Questionnaire?

A Housing Questionnaire should be filled out annually for all students enrolling in school and for all students who have a change of address in grades preschool-12. "Preschool" includes any LEA administered or funded preschool program, such as a pre-k or Head Start program administered by an LEA. The Housing Questionnaire should be completed by the student's parent/guardian or, in the case of an unaccompanied youth, by the student directly.

### Confidentiality

Student housing information should be kept confidential to the maximum extent possible. This information should only be shared with LEA/school staff members who need information about housing status to ensure that the student's educational needs are met. To this end, LEAs may share a student's Housing Questionnaire with LEA personnel such as:

1. the LEA liaison,
2. the registrar,
3. the student's teachers, and/or guidance counselor, and
4. the LEA staff member responsible for reporting data to SIS/ESI.

However, this information should only be shared with the above staff members to the extent that it will enable them to better meet the educational needs of the student in question and to fulfill reporting requirements mandated by SIS/ESI.

Other than the above uses, housing information **should be kept confidential and should not be shared** with other LEA/school personnel due to its sensitive nature and the stigma attached to being labeled homeless. LEAs are also encouraged to seek out ways of preventing Housing Questionnaires and housing information from becoming a part of a student's permanent record.



### Discussing the Housing Questionnaire with Students and Families

In reviewing the Housing Questionnaire with parents/ guardian, and unaccompanied youth, LEAs should emphasize that the purpose of gathering the information is to ensure that students in temporary housing arrangements are provided with the rights and services to which they are entitled under the McKinney-Vento Act. These rights and services include:

1. The right to stay in the same school, the student, had been attending before losing his/her housing or the last school attended (both known as the school of origin),
2. The right to immediate enrollment for students who decide to transfer schools, even if the student does not have all of the documents normally for enrollment,
3. Transportation services if the student continues to attend the school of origin,
4. Categorical eligibility for Title I services if offered in the LEA,
5. Categorical eligibility for free meals if offered in the LEA, and
6. Access to services provided with McKinney-Vento funds if available in the LEA.

The LEA should also ensure that the parent/ guardian or unaccompanied youth is aware that the student's housing status will be kept confidential and will only be shared with those LEA staff who are responsible for providing services to the student and those responsible for keeping track of how many students are identified as living in temporary housing in the LEA.

**It is important to note that contacting a landlord or building superintendent without the parent's express prior written permission is a violation of FERPA, a federal law.**

### If the Parent, Person in Parental Relation, or Unaccompanied Youth Declines to Fill Out the Housing Questionnaire.

If the parent/ guardian or unaccompanied youth declines to complete the Housing Questionnaire, the LEA should note on the form that the parent, person in parental relation, or unaccompanied youth declined to provide the information requested.

### Completing the Form

If a parent, person in parental relation, or unaccompanied youth enrolling in school indicates that a student is living in one of the five temporary housing arrangements, the school may not require proof to verify where the student is living before enrolling the student. The five temporary housing arrangements are listed below:

1. In a shelter,
2. With another family or other person (sometimes referred to as "doubled-up"),
3. In a hotel/motel,
4. In a car, park, bus, train, or campsite, or
5. Other temporary living situation.

# Questionnaire Cont.



**LEA LETTERHEAD**

**McKinney-Vento Program Housing Questionnaire Template**

This questionnaire is intended to address the McKinney-Vento Act [42 U.S.C. 11435]. The answers to this residency information help to determine the services the student may be eligible to receive.

Name(s) of Head of Household: \_\_\_\_\_

Current Address: \_\_\_\_\_

Phone/Message: \_\_\_\_\_

Email: \_\_\_\_\_

| Name of child in Family | Date of Birth | M/F | Grade | Current School |
|-------------------------|---------------|-----|-------|----------------|
|                         |               |     |       |                |
|                         |               |     |       |                |
|                         |               |     |       |                |
|                         |               |     |       |                |
|                         |               |     |       |                |

**Where are you currently living?**

|  |   |
|--|---|
| ___ emergency shelter  | ___ transitional living program         |
| ___ motel/hotel  | ___ apartment or house w/o utilities on |
| ___ staying with family or friends (doubled up)                                | ___ unaccompanied youth                 |
| ___ car, campground, abandoned building, public restroom, bus or train station |   |

How long did you stay in your last permanent place? \_\_\_\_\_

Why did you leave your last permanent residence? \_\_\_\_\_

How long have you stayed at your current residence? \_\_\_\_\_

Is this a temporary living situation? Yes \_\_\_ No \_\_\_

How many people do you live with? Adults \_\_\_ Children \_\_\_ Number of rooms \_\_\_

Do you have income (job, TANF, SSI, etc.)? Yes \_\_\_ No \_\_\_ Amount per month \$ \_\_\_\_\_

Are you currently employed? Yes \_\_\_ No \_\_\_

**Have you recently experienced:**

|                                    |                                   |
|------------------------------------|-----------------------------------|
| ___ a job loss or decline in hours | ___ a fire or disaster            |
| ___ home foreclosure               | ___ eviction                      |
| ___ being kicked out of your home  | ___ parent/caregiver sent to jail |
| ___ domestic violence              | ___ medical crisis                |

**Student needs (check all that apply):**

|                                |   |
|--------------------------------|---|
| ___ transportation             | ___ school supplies   |
| ___ immunizations              | ___ uniform   |
| ___ tutor/ homework assistance | ___ emergency assistance (food, utilities, clothing, furniture) |
| ___ housing                    | ___ medical   |
| ___ counseling                 | ___ dental  |

**Assessment of needs/barriers**

**Family barriers:**

|  |                                    |
|--|------------------------------------|
| ___ age  | ___ eviction                       |
| ___ lack of available resources                | ___ lack of child care             |
| ___ lack of income                             | ___ mental health adult            |
| ___ no housing history                         | ___ mental health youth            |
| ___ no housing available                       | ___ substance abuse                |
| ___ not eligible for assistance/housing        | ___ transportation                 |
| ___ outstanding utility bills, amount \$ _____ | ___ past due rent, amount \$ _____ |
| ___ not eligible for assistance/housing        | ___ transportation                 |
| ___ other                                      |                                    |

Other comments: \_\_\_\_\_

I declare under penalty of perjury/fraud under the laws of the United States and the State of Tennessee that the foregoing information is accurate and correct. I consent to the release of pertinent information contained above to concerned social service agencies, vendors, and donors as necessary to provide services to my household.

|                              |           |      |
|------------------------------|-----------|------|
| Parent/Guardian Print        | Signature | Date |
|                              |           |      |
| McKinney-Vento Liaison Print | Signature | Date |
|                              |           |      |

# Identifying Students

- When identifying eligible students, it is important to remember:
  - circumstances vary from family to family,
  - students experiencing homelessness do not all look the same, and
  - students experiencing homelessness do not all have the same behavior patterns.



# Common Signs of Homelessness

- Fatigue, difficulty concentrating, sleeping in class
- Poor hygiene
- Chronic hunger
- Medical, dental needs
- Shyness or withdrawn behavior
- Erratic attendance; tardiness
- Transiency
- Fear of abandonment
- Anxiety

Source: [National Center For Homeless Education](http://www.nche.ed.gov)



## Common Signs of Homelessness

*Note: While these are considered common signs, please recognize that they only offer general guidance. There is significant variability within the school-age homeless population. Individual students may differ significantly from the following general characteristics.*

### **Lack of Educational Continuity**

- Attendance at many different schools
- Missing records needed to enroll
- Inability to pay fees
- Gaps in skill development
- Mistaken assessment of abilities
- Poor organizational skills
- Poor ability to conceptualize

### **Poor Health/Nutrition**

- Missing immunizations & medical records
- Unmet medical & dental needs
- Respiratory problems
- Skin rashes
- Chronic hunger or food hoarding
- Fatigue (may fall asleep in class)

### **Transportation & Attendance Problems**

- Erratic attendance and tardiness
- Numerous absences
- Lack of participation in afterschool activities
- Lack of participation in field trips
- Inability to contact parents

### **Poor Hygiene**

- Lacking shower facilities/washers, etc.
- Wearing clothes several days
- Inconsistent grooming

### **Lack of Personal Space After School**

- Consistent lack of preparation for school
- Incomplete or missing homework

- Unable to complete special projects
- Lacking basic school supplies
- Loss of books and supplies on regular basis
- Elevated concern for safety of belongings

### **Social and Behavioral Concerns**

- A marked change in behavior
- Poor/short attention span
- Poor self-esteem
- Extreme shyness
- Unwilling to form relationships with peers & teachers
- Difficulty socializing at recess or lunch periods
- Difficulty trusting people
- Aggression
- "Old" beyond years
- Overly protective of parents
- Clinging behavior
- Developmental delays
- Fear of abandonment
- School phobia (afraid to leave parent)
- Anxiety, especially late in the school day

### **Reactions or Statements by Parents, Guardians, or Students**

- Exhibiting anger or embarrassment when asked about current address
- Avoidance of questions related to current address
- Statements about staying with grandparents, other relatives, friends, or in motels & campgrounds
- Statements such as:
  - "I don't remember the name of the last school."
  - "We've been moving around a lot."
  - "Our address is new; I can't remember it."
  - "We're staying with relatives until we get settled."
  - "We're going through a bad time right now."

*Adapted from flyers developed by the Illinois & Pennsylvania Departments of Education. For more information on homeless education, visit the National Center for Homeless Education website at: [nche.ed.gov](http://www.nche.ed.gov)*

# Enrollment

- LEAs must develop, review, and revise policies to remove barriers to the enrollment and retention of homeless students, including barriers related to outstanding fees, fines, or absences.
- Enrollment is defined as “attending classes and participating fully in school activities”.
- Homeless children and youth have the right to enroll in school **immediately, even if lacking documentation normally required for enrollment.**



# Enrollment



- Local homeless liaisons must assist in obtaining needed immunizations, required health records, and screenings.
- The student must be allowed to enroll while the needed documentation is gathered.
- The McKinney-Vento Act supersedes state or local law or policy when there is a conflict (U.S. Constitution, Article VI).



# School Section Criteria



Students experiencing homelessness may attend either:

- **The local attendance area school:**
  - Any public school that students living in the same attendance area are eligible to attend.
- **The school of origin:**
  - The school the child or youth attended when permanently housed or
  - The school in which the child or youth was last enrolled.

# School Section Criteria

- There is no time or distance limit placed on school of origin transportation.
- Students may continue attending the school of origin the entire time they are homeless and if they move into permanent housing until the end of the school year.
- Students who become homeless in between school years may continue attending the school of origin for the following school year.



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# Local Liaison Responsibilities: Transportation and Best Interest Determination



# Transportation

- LEAs must provide the transportation for McKinney-Vento students:
  - transportation to and from the school of origin or
  - comparable transportation.
- Local homeless liaisons must inform the parent/guardian of a homeless child or youth and any unaccompanied youth of all transportation services that are available by the LEA.



# School of Origin Transportation

- LEAs must transport homeless students to and from the school of origin, at a parent's or guardian's request, or at the local liaison's request for unaccompanied homeless youth.
- If the child or youth lives and attends school within the same LEA, that LEA must provide or arrange transportation.
- LEAs must agree on how to split the responsibility and cost of transportation or share them equally when a student's school of origin is different from the local attendance area school.



# Best Interest Determination



- When making best interest determination in accordance with the statute:
  - presume that remaining in the school of origin is in the student’s best interest;
  - consider the impact of mobility on achievement, education, health, and safety; and
  - give priority to the request of the parent, guardian or unaccompanied homeless youth.
- If the school and parent/guardian/unaccompanied youth disagrees after the best interest determination, initiate your LEA’s dispute resolution process.

# Local Liaison Responsibilities: Dispute Resolution Process



# Local Liaison Responsibilities: Dispute Resolution Process



- The McKinney-Vento Homeless Assistance Act requires SEAs and LEAs to follow a dispute resolution process when parents, guardians, or unaccompanied youth and schools disagree on the eligibility, enrollment, or educational placement of homeless children and youth.
- Tennessee's process can be found in [ePlan > TDOE Resources > ESSA Information, Guidance, PPTs, & Webinars > Title IX, Part A Education for Homeless Children & Youth > Resources for Homeless Liaisons > McKinney-Vento State-Level Dispute Resolution](#).



# Dispute Resolution Process Brief and TDOE Template



National Center for Homeless Education  
Supporting the Education of Children  
and Youth Experiencing Homelessness  
<https://nche.ed.gov>



MCKINNEY-VENTO LAW INTO PRACTICE BRIEF SERIES

## Dispute Resolution

### This NCHE brief:

- summarizes the key provisions of the McKinney-Vento Act related to dispute resolution, and
- provides an overview of implementation strategies at the State and local levels



## McKinney-Vento Dispute Resolution Process Sample Form

### Instructions for Using this Template:

**Before sharing, place this document on LEA letterhead, delete or update all red font areas, and provide the most up-to-date McKinney-Vento Liaison contact information.**

This form can be used to initiate the dispute resolution process required by the McKinney-Vento Homeless Assistance Act. It can be used when a parent, guardian, or unaccompanied youth disagrees with the LEAs eligibility, school selection, or enrollment decision. If a dispute arises under the McKinney-Vento Act over eligibility, school selection, or school enrollment [42 U.S.C. 11432(g)(3)(E)], the Act requires LEAs initiate the McKinney-Vento Dispute Resolution Process. Federal law [42 U.S.C. § 11432(g)(1)(C)] requires that the State have a [Dispute Process](#) and that the LEA policy must align with the State's policy .

# Dispute Process Cont.



## **[LEA NAME] McKinney-Vento Dispute Resolution Process**

***This document must be placed on LEA letterhead***

To file a formal dispute under the McKinney-Vento Homeless Assistance Act, please fill out this form completely and submit it by hand-delivery, e-mail, or U.S. Mail to the principal or the LEA's liaison for homeless students, **[LIAISON NAME]**. District policy typically requires dispute forms to be filed within fifteen (15) business days of receiving the written explanation of the LEA's decision. However, because the McKinney-Vento dispute process should be expedited whenever possible, it is recommended that you submit the form as soon as possible, preferably within ten (10) business days of receiving the written explanation of the LEA's decision.

**If a dispute arises over school selection or enrollment in a school, the child shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute.** The student will remain attending the school where enrollment is sought during the entire dispute resolution process.

If you need assistance filling out this form or if you have other questions, please contact the liaison for homeless students at **[ADD LIAISON CONTACT INFORMATION]**.

### **Initiation of Dispute Resolution**

The parent or unaccompanied youth shall be informed of their right to appeal the decision made by the LEA. At a minimum, the LEA must provide the following information:

- written contact information for the LEA's homeless liaison and state coordinator with a brief description of each of their **roles**;
- written notice of the right to enroll immediately in the school of choice pending resolution of the **dispute**;
- a simple, written form that parents, guardians, or unaccompanied youth can complete and turn in to the school or LEA's homeless liaison to initiate the dispute **process**;
- a copy of the completed form for the parent, guardian, or youth for their records at the time it is submitted; and
- written, step-by-step instructions on how to object to or appeal (at all four levels described below) the LEA's decision regarding eligibility, enrollment, or educational placement.

### **Overview of Dispute Resolution**

- **Level 1—Appeal to the School or the LEA Homeless Liaison:**  
If a parent or unaccompanied youth wishes to appeal an LEA's decision related to eligibility, enrollment, or school selection, the appeal is submitted to the LEA's homeless liaison or the homeless contact at the school where the dispute is taking place.
- **Level 2—Appeal to the LEA Director of Schools:**  
If the dispute is unresolved, the parent or unaccompanied youth may appeal the Level 1 decision to the LEA director of schools or designee.
- **Level 3—Appeal to the State Coordinator:**  
If the dispute continues to be unresolved, the parent or unaccompanied youth may appeal the Level 2 decision to the McKinney-Vento state coordinator at the state education agency (department).
- **Level 4—Appeal to the State Assistant Commissioner of the Division of Federal Programs and Oversight (FPO):**  
If the parent, unaccompanied youth, or district wishes to appeal the Level 3 decision rendered by the McKinney-Vento state coordinator, an appeal may be submitted to the assistant commissioner of the division of federal programs and oversight (FPO).

**NOTE:** At each level of appeal, the LEA or State must provide a written explanation of the decision regarding eligibility, enrollment, or educational placement to the parent or the unaccompanied youth. The notice and written explanation from the district about the reason for its decision, at a minimum, should include the following:



- a description of the action proposed or refused by the LEA or **department**;
- an explanation of why the action is proposed or **refused**;
- a description of any other options the school **rejected**;
- a description of any factors relevant to the school or State's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their **sources**;
- a description of the right to appeal, including the dispute resolution process, and appropriate timelines to ensure any relevant deadlines are not missed; and
- contact information for the local district homeless liaison and state coordinator, including a brief description of their roles.

A more detailed description of each level of the dispute resolution process is below.

### **Level 1—Appeal to the School or the LEA Homeless Liaison**

If a parent or unaccompanied youth wishes to appeal an LEA's decision related to eligibility, enrollment, or school selection:

1. The parent or unaccompanied youth must file a request for dispute resolution with the LEA homeless liaison:
  - a. Request a dispute resolution form from the school or LEA homeless liaison.
  - b. Complete the dispute resolution.
  - c. Submit the completed dispute resolution form to the LEA homeless liaison within five business (5) days of receiving the LEA's decision related to eligibility, enrollment, or school selection **OR** submit the request to the school where the dispute is taking place (school staff shall immediately forward the request to the LEA homeless liaison).
  - d. If the LEA homeless liaison is unavailable, the parent's or unaccompanied youth's request to initiate the dispute resolution process may be provided to a school LEA's designee.
2. The homeless liaison must document details of the complaint, including the date and time of the complaint and a written description of the situation and the reason for the dispute. A copy of the complaint must then be forwarded to the liaison's immediate supervisor and the LEA director of schools. The office of the LEA director of schools shall maintain a record of all disputes related to the education of homeless children and youth.
3. Within five business (5) days of their receipt of the complaint, the liaison must **make a decision** on the complaint and inform the parent or unaccompanied youth in writing of the result. It is the responsibility of the LEA to verify the parent's or unaccompanied youth's receipt of the written notification regarding the homeless liaison's Level 1 decision.
4. If the parent or unaccompanied youth disagrees with the decision made and wishes to move the dispute resolution process forward to Level 2, the parent or unaccompanied youth shall notify the LEA homeless liaison of their intent to proceed to Level 2 within five (5) business days of receipt of notification of the Level 1 decision.
5. If the parent or unaccompanied youth wishes to appeal the liaison's Level 1 decision, the LEA homeless liaison shall provide the parent or unaccompanied youth with an appeals package containing:
  - a. a copy of the parent's or unaccompanied youth's complaint which was filed with the LEA homeless liaisons at Level 1;
  - b. the decision rendered at Level 1 by the LEA homeless liaison; and
  - c. any additional information from the parent, unaccompanied youth, and/or homeless liaison.
6. If the dispute remains unresolved, the process then moves to Level 2.

### **Level 2—Appeal to the LEA Director of Schools**

1. If a parent disagrees with the decision rendered by the district's homeless liaison at Level 1, the parent or unaccompanied youth may appeal the decision to the LEA's director of schools, or the director of school's designee, using the appeals package provided at Level 1. The designee shall be someone other than the LEA homeless liaison.
2. The director of schools, or the director of school's designee, will arrange for a personal conference within five (5) business days of the parent or unaccompanied youth's notification to the district of the intent to proceed to Level 2 of the dispute resolution process. Once arranged, the meeting between the director of schools, or

- designee, and the parent or unaccompanied youth is to take place as expeditiously as possible.
- The LEA's director of schools, or the director of school's designee, will provide a decision in writing to the parent or unaccompanied youth with supporting evidence and reasons. It is the responsibility of the district to verify the parent's or unaccompanied youth's receipt of the written notification regarding the director of school's Level 2 decision.
  - A copy of the appeals package, along with the written decision made at Level 2, is to be shared with the LEA homeless liaison.
  - If the parent or unaccompanied youth disagrees with the decision made at Level 2 and wishes to move the dispute resolution process forward to Level 3, the parent or unaccompanied youth shall notify the LEA homeless liaison of intent to proceed to Level 3 within five (5) business days of receipt of notification of the Level 2 decision.
  - If the dispute remains unresolved, the process then moves to Level 3.

### Level 3—Appeal to the State Coordinator

- The LEA director of schools, or designee, shall forward all written documentation and related paperwork to the McKinney-Vento state coordinator for review within five (5) business days of notifying the parent or unaccompanied youth of the decision rendered at Level 2.
- It is the responsibility of the LEA to ensure that the documentation submitted is complete and ready for review at the time it is submitted to the state coordinator.
- The McKinney-Vento state coordinator shall make a final decision within seven (7) business days of receipt of the complaint.
- The final decision will be forwarded to the local LEA homeless liaison for distribution to the parent and the LEA director of schools or designee.
- The office of the LEA director of schools shall maintain a record of all disputes related to the education of homeless children and youth. These records shall include disputes resolved at levels one, two, and/or three and shall be made available upon request to the department.
- If the dispute remains unresolved, the process then moves to Level 4.

### Level 4—Appeal to the Assistant Commissioner of FPO

- The LEA, parents, or unaccompanied youth shall forward a written request to have their case reviewed when there is a conflict with the decision rendered by the McKinney-Vento state coordinator within five (5) business days of receipt of a decision rendered at Level 3 to the assistant commissioner of FPO.
- The assistant commissioner of FPO shall then forward a request to the McKinney-Vento state coordinator to obtain all written documentation and related paperwork for review.
- Upon request of the assistant commissioner of FPO, the McKinney-Vento state coordinator shall forward all written documentation and related paperwork to the assistant commissioner of FPO for review within three (3) business days of the request for documentation regarding the dispute.
- The assistant commissioner of FPO, along with the appropriate other department personnel, shall make a final decision within seven (7) business days of receipt of all documentation and related paperwork.
- The final decision will be forwarded to the LEA director of schools and homeless liaison for distribution to the parent and/or unaccompanied youth.

### Program Contact Information

[ADD LEA NAME] Contact:  
[ADD LOCAL LIAISON CONTACT INFORMATION]

### Tennessee Department of Education/State Coordinator Contact:

Vanessa Waters | McKinney-Vento and Family Engagement State Coordinator  
[Vanessa.Waters@tn.gov](mailto:Vanessa.Waters@tn.gov)  
Phone: (615) 917-3750

### McKinney-Vento Dispute Resolution Process Parent/ Unaccompanied

## Youth Dispute Request Form

This form is to be completed by the Parent/Legal Guardian or unaccompanied student when requesting dispute resolution at Level II when a dispute arises over school placement or enrollment decisions, including transportation.

THIS FORM MUST BE RETURNED TO STUDENT SERVICES BY \_\_\_\_\_

Date Submitted: \_\_\_\_\_

| Student(s) Name | Birth Date | School | Grade |
|-----------------|------------|--------|-------|
|                 |            |        |       |
|                 |            |        |       |
|                 |            |        |       |

Persons completing form: \_\_\_\_\_

Contact information: \_\_\_\_\_

Relationship to student(s): \_\_\_\_\_

I wish to appeal the placement or enrollment decision regarding the above student(s).

The decision was made by: \_\_\_\_\_

Provide a written explanation to support your appeal in this space below:

I have been provided with a written explanation of the dispute decision:      Yes      No

Signature of person submitting dispute:

Printed Name

Please submit to the address below: **LEA Address**

# Enrollment Disputes



- If a dispute arises over **eligibility, school selection, or school enrollment**:
  - the parent, guardian or unaccompanied youth shall be referred to the local liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute;
  - the child or youth shall be **immediately enrolled in the school in which enrollment is sought**, pending final resolution of the dispute, including all available appeals; and
  - the parent, guardian, or unaccompanied youth shall be provided with a written explanation of any decisions related to dispute made by the school, LEA, or SEA, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.

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# Local Liaison Responsibilities: Professional Development



# Professional Development



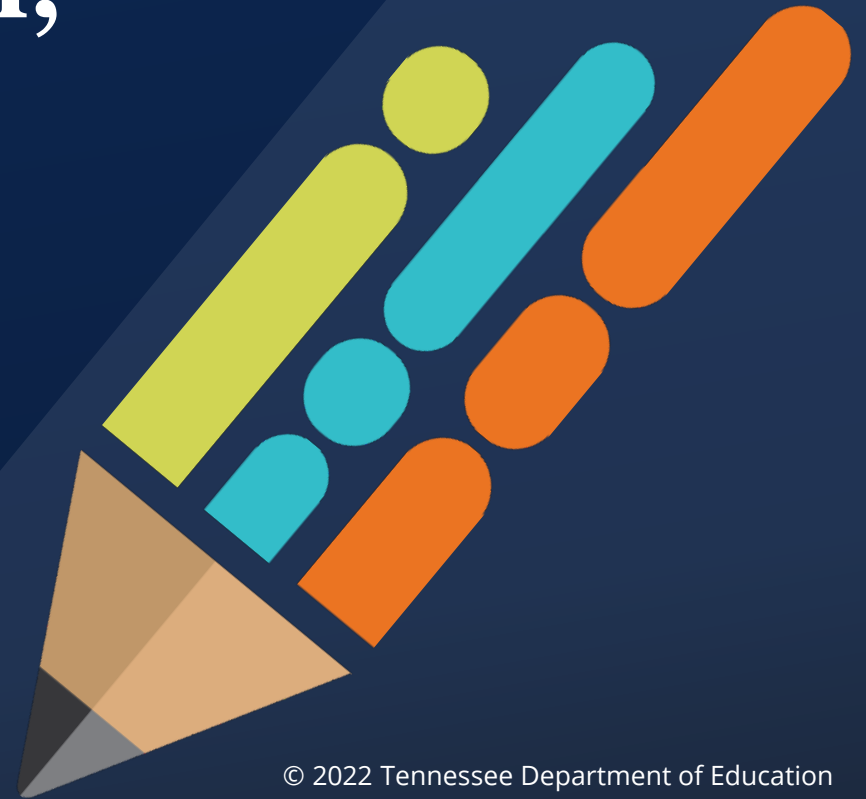
- Local liaisons must ensure that school personnel receives professional development and other support focused on McKinney-Vento.
  - **At a minimum**, liaisons should provide training annually to LEA and school staff including:
    - school leaders,
    - front office staff/enrollment staff, and
    - school counselors.
  - **Best practice** suggests that **all** staff should be trained annually, including the above, as well as:
    - LEA staff,
    - classroom teachers, and
    - educational assistants.

# Professional Development Topics

- Professional Development topics should include the following:
  - Identifying Students
  - Enrollment
  - Transportation
  - Best Interest Determination
  - Right to Privacy
- The National Center for Homeless Education has several [training materials and resources](#) to use for training staff.



# Local Liaison Responsibilities: Preschool, Higher Education, and HUD





# Preschool

- ESSA places an increased emphasis on identifying homeless preschool children.
- The school of origin also includes public preschool programs.
- Homeless children must have access to and receive services through:
  - Head Start and Early Head Start;
  - IDEA Part C, early intervention; or
  - other preschool programs administered by the LEA.



# Higher Education

- School counselors must advise homeless youth about college and support their college readiness.
- Local liaisons must inform unaccompanied homeless youth of their status as independent students on the Free Application for Federal Student Aid (FAFSA) and assist them in the verification of this status.



# Access to HUD

- Local liaisons are authorized to affirm whether children and youth meet the U.S. Department of Housing and Urban Development (HUD) definition of homelessness to qualify them for HUD homeless assistance programs.
- Although a liaison may affirm, the family must still meet the other requirements of HUD projects.
- Local liaisons may make this affirmation in the form of a signed letter on district letterhead that at minimum, identifies the most recent primary nighttime residence of the homeless child or youth.



# Effective Practices and Collaboration



# Effective Practices

- Collaborate with other LEA homeless liaisons.
- Refer the student for academic services (e.g., tutoring and intervention).
- Suggest and encourage participation in extra-curricular activities.
- Collaborate and communicate with families.
- Coordinate services with other departments in your LEA, including the family resource center, federal programs, coordinated school health, nutrition, attendance, etc.



# Effective Practices



- Ensure that out-of-class assignments contain realistic expectations.
  - project materials, computer, internet access
- Partner with community agencies and businesses.
  - Food banks, postsecondary institutions, non-profits, public libraries, Boys & Girls Club, HUD, health department, etc.
- Create support teams for students to include a mentor/advocate who meets regularly to discuss issues, needs, concerns, and reasons to celebrate.
- Train educators **new** to the profession and school annually.

# Examples of Effective Collaborators



## LEA Level

- Federal Programs department
- Family Resource Center
- IT/EIS departments
- Fiscal and Accountability departments
- School Nutrition
- Social Workers
- Transportation department

## School Level

- School staff
- Administrators
- Enrollment personnel and front office staff
- Attendance/Truancy personnel
- School Counselors
- School Nurses
- Cafeteria workers and bus drivers

# Important Reminders and Resources





# Important Reminders



- **Provide documentation of decisions.**

- The McKinney-Vento Act requires liaisons to provide parents information on their right to dispute if denied enrollment.
- LEAs should have **written policies and procedures** focused on:
  - Identification
  - Enrollment
  - Best Interest Determination
  - Transportation
  - Dispute Resolution
- **All written policies should be kept on file and provided to families upon identification.** If a dispute arises, the LEA may refer to their written policies and procedures when discussing enrollment, school selection, and other issues with families.

# Important Reminders

- Ensure every school has an updated homeless poster posted in a common area of the school.
- Connect information should include both the local homeless liaison as well as the state coordinator:
  - **Vanessa Waters**
  - **(615) 917-3750**
- Posters and other vital resources can be ordered for free from the [National Center for Homeless Education](http://www.nche.org).

**INFORMATION FOR PARENTS**

**IF YOUR FAMILY LIVES IN ANY OF THE FOLLOWING SITUATIONS:**

- In a shelter
- In a motel or campground due to the lack of an alternative adequate accommodation
- In a car, park, abandoned building, or bus or train station
- Doubled up with other people due to loss of housing or economic hardship

*Your school-age children may qualify for certain rights and protections under the federal McKinney-Vento Act.*

**Your eligible children have the right to:**

- Receive a free, appropriate public education.
- Enroll in school immediately, even if lacking documents normally required for enrollment.
- Enroll in school and attend classes while the school gathers needed documents.
- Enroll in the local school; or continue attending their school of origin (the school they attended when permanently housed or the school in which they were last enrolled), if that is your preference and is feasible.

*\* If the school district believes that the school you select is not in the best interest of your children, then the district must provide you with a written explanation of its position and inform you of your right to appeal its decision.*

- Receive transportation to and from the school of origin, if you request this.
- Receive educational services comparable to those provided to other students, according to your children's needs.

*If you believe your children may be eligible, contact the local liaison to find out what services and supports may be available. There also may be supports available for your preschool-age children.*

Local Liaison:

State Coordinator:

**NCE**  
National Center for Homeless Education  
2010

If you need further assistance with your children's educational needs, contact the National Center for Homeless Education:  
1-800-308-2145 • [homeless@serve.org](mailto:homeless@serve.org) • [www.serve.org/nche](http://www.serve.org/nche)

# Resources



- [U.S. Department of Education \(ED\): McKinney-Vento Law and Guidance](#)
- [Education for Homeless Children and Youths Program Non-Regulatory Guidance](#)
- [ePlan > TDOE Resources > ESSA Information, Guidance, PPTs, & Webinars > Title IX, Part A Education for Homeless Children & Youth > McKinney-Vento Toolkit and Resources 2021](#)
- [National Association for the Education of Homeless Children and Youth \(NAEHCY\)](#)
- [National Center for Homeless Education \(NCHE\):](#)
  - [NCHE Homeless Liaison Toolkit](#)
  - Homeless Education Helpline: 800-308-2145 or [homeless@serve.org](mailto:homeless@serve.org)



**Questions?**

# Please Share your Feedback:

[https://stateoftennessee.formstack.com/forms/mckinney\\_vento\\_programming\\_overview\\_feedback](https://stateoftennessee.formstack.com/forms/mckinney_vento_programming_overview_feedback)

SKILLS AND KNOWLEDGE



# Contact Information

- **Vanessa Waters** | McKinney-Vento and Immigrant Grant Manager  
[Vanessa.Waters@tn.gov](mailto:Vanessa.Waters@tn.gov)  
(615) 917-3750



# Fraud, Waste or Abuse

Citizens and agencies are encouraged to report fraud, waste, or abuse in State and Local government.

NOTICE: This agency is a recipient of taxpayer funding. If you observe an agency director or employee engaging in any activity which you consider to be illegal, improper or wasteful, please call the state Comptroller's toll-free Hotline:

**1-800-232-5454**

Notifications can also be submitted electronically at:

**<http://www.comptroller.tn.gov/hotline>**